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Darcy A. White  
Darcy A. White

11/08/02  
Date

Response Under 37 CFR § 1.116  
Expedited Procedure  
Group Art Unite: 1731

#6/BM  
11-19-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

KUNIO SEKIYA

Serial No. 09/806,020

Filed: March 23, 2001

For: POLLUTION CONTROL METHOD FOR  
CYLINDRICAL DRIER USED IN  
PAPER MACHINE

Case No.: 24555

Group Art Unit: 1731

Examiner: Mark Halpern

**RESPONSE UNDER 37 C.F.R. § 1.116**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant responds to the Final Office Action dated August 8, 2002 (PTO  
Prosecution File Wrapper Paper No. 5).

**REMARKS**

Applicant respectfully requests reconsideration of the position set forth in the  
outstanding Office Action mailed August 8, 2002, in light of the following remarks.  
Claims 1-6 are pending in the application. Per the Official Action mailed August 8,  
2002, claims 1-6 stand as rejected under 35 U.S.C. §102(b), or in the alternative,  
under 35 U.S.C. §103(a).

**Rejections under 35 U.S.C. §102/103**

Claims 1-6 stand as rejected under 35 U.S.C. §102(b) as being anticipated by  
or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent  
3,014,832 (Donnelly).

The Examiner asserts the following: (1) Donnelly discloses a paper making  
process of fabricating a tissue, wherein the process contains a Yankee dryer, and

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that the drier surface is kept clean by the release of an emulsified oil agent; (2) Donnelly discloses that the emulsified oil agent is sprayed into the pressure nip formed between the drying cylinder and the associated press roll; (3) it is anticipated; or alternatively, obvious that spraying of the emulsified oil agent into the nip sprays the agent onto the surface of the Yankee drier as it sprays the emulsified oil agent onto the web; and (4) it is inherent that the applied oil creates a thin oil film on the drier cylinder and the continuously applied oil fills any microscopic recesses on the surface of the drum.

Applicant responds that Donnelly discloses the use of a release agent only in conjunction with the web, because the web adheres to the drying cylinder with some degree of adhesion, and hence, the release agent is applied to the web to control or reduce its level of adhesion. In fact, in column 6, lines 34-49, Donnelly describes the application of the release agent, wherein it states "[t]he pressure applied at the nip by the press roll 19 spreads and distributes the release agent evenly in the web. It is an important part of the [Donnelly] invention that the release agent be uniformly distributed in the web so that it is present uniformly on the surface of the web as well." Additionally, Donnelly discloses the purpose of applying the release agent to the web, in column 7, lines 7-14, where the release agent lubricates the fiber structure of the formed tissue web, so that the fibers slide over one another more easily, or are partially plasticized so that the web can be stretched to a greater extent without rupturing, wherein the release agent changes the properties of the web, and the fibers of the web are partially plasticized. Therefore, Donnelly explicitly indicates that the application of the release agent to the surface of the web and its migration into the web are key features to the invention, as claimed in both claims 1 and 2. Donnelly, at no point, indicates that the release agent should be directly applied to the drier surface. The application of any release agent to the drier surface in Donnelly, as was previously noted, is simply incidental, and application directly to the drier surface or into the nip is neither taught nor suggested by Donnelly. Thus, one skilled in the art would not find any guidance or incentive in Donnelly to result in the present invention.

On the contrary, as previously stated, the present invention utilizes a surface treatment prepared by emulsifying oil by the agency of a surfactant that is continuously supplied from a spray nozzle to the surface of the drum drier, and thus the present invention does not apply any of the emulsifying oil to the paper strip. The release agent is applied directly to the drier surface, an important aspect of the present invention that is set forth in both claims 1 and 4. Therefore, since the oil is not directly applied to the paper, the paper does not become contaminated. Moreover, since a very small amount of oil is used for application to the drum drier surface, if any oil applied to a surface of the drum drier were secondarily transferred to the paper strip, its slight amount would not contaminate the paper strip. Thus, Donnelly teaches a significantly different process and teaches away from the present invention. Therefore, one skilled in the art would not find any teaching or suggestion in Donnelly that would result in the present invention.

Moreover, in claims 1 and 2, Donnelly explicitly states that a specific step in its process is "applying to the formed tissue web before drying a fluid containing a release agent." Therefore, according to Donnelly's claims, the release agent must be applied to the tissue web. In contrast to Donnelly, the present invention eliminates and teaches away from such a step because the present invention desires to maintain the quality of the paper and avoid its contamination, as noted above. In the present invention the emulsified oil is neither sprayed onto the paper or web nor onto the nip where it would influence the paper or web. Thus, one skilled in the art would not find any incentive or guidance in the teachings of Donnelly to result in the present invention.

Applicants further respond that while some amount of release agent may accidentally or incidentally be sprayed onto the drier surface, Donnelly does not teach or suggest that such an amount of release agent would be enough to fill the recesses on the surface of the drier or aid in controlling pollution. Donnelly does state that the release agent is applied to the web, wherein the release agent is even distributed both on the surface and within the web, however, there is no teaching or suggestion or any reason to believe that the thin oil film taught by the present

invention would inherently be created by the process of Donnelly. Furthermore, Donnelly does not teach or suggest that a uniform and even film would be transferred to the drier surface by the web, and Examiner has not provided any basis upon which to make such a prediction. In the present invention, the release agent is applied directly to the surface of the drier; therefore, all of the release agent is directed to and present on the surface of the drier. Whereas in Donnelly, only some of the release agent is transferred to the drier surface from the web because the web retains some of the release agent, such that there is no procedure in place to ensure, nor does Donnelly teach or suggest, that the amount transferred is consistent from one moment to the next so that inherency could be claimed. Donnelly does not teach or suggest that any release agent imparted to the drier surface is sufficient to perform as in the present invention. Thus, based on the teachings and suggestions of Donnelly, one skilled in the art would not result in the present invention.

In addition, Applicant responds that claims 5 and 6 depend from a claim that Applicant believes to be patentable, and therefore, claims 5 and 6 would likewise be patentable.

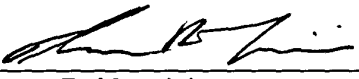
For all of the reasons noted above, Applicant believes that the cited reference does not anticipate the Applicant's claimed invention under 35 U.S.C. §102(b) nor render the present invention obvious under 35 U.S.C. §103(a). It is respectfully requested that these rejections be withdrawn.

There are no fees due in accordance with this response, however should a fee be due that is unaccounted for, please charge such fee to Deposit Account No. 501447. Furthermore, if any extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 501447.

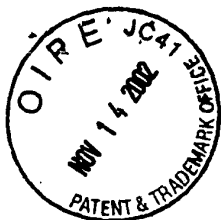
Serial No.: 09/806,020  
Filing Date: 03/23/01

Applicant believes the stated grounds of rejection have been properly traversed, accommodated, or rendered moot and that a complete response has been made to the Office Action mailed August 8, 2002. Applicant believes that the application stands in condition for allowance with withdrawal of all grounds of rejection. A Notice of Allowance is respectfully solicited. If the Examiner has questions regarding the application or the contents of this response, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

By   
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Reg. No. 50,157  
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Date: 11/08/02  
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<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	<b>Application Number</b>	09/806,020	
	<b>Filing Date</b>	March 23, 2001	
	<b>First Named Inventor</b>	Kunio Sekiya	
	<b>Group Art Unit</b>	1731	
	<b>Examiner Name</b>	M. Halpern	
<b>Total Number of Pages in This Submission</b>	6	<b>Attorney Docket Number</b>	24555

ENCLOSURES (check all that apply)		
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<b>Remarks</b>		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomas R. Mancini, Registration No. 50,157
Signature	
Date	November 8, 2002

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Typed or printed name	Darcy A. White		
Signature		Date	November 8, 2002

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